

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Roberto Enrique Cruz, a/k/a)	C/A No.: 1:20-2625-DCC-SVH
Roberto E. Cruz Olovarria,)	
)	
Petitioner,)	
vs.)	ORDER
)	
Warden FCI Bennettsville,)	
)	
Respondent.)	
)	

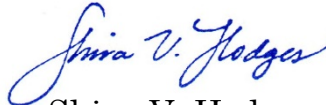
Petitioner, proceeding pro se, brought this action requesting a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Respondent filed a motion to dismiss on November 5, 2020. [ECF No. 21]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion and of the need for him to file an adequate response by December 7, 2020. [ECF No. 23]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. *Id.*

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response

to Respondent's motion to dismiss by December 28, 2020. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

December 11, 2020
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge